

## Department of Planning and Budget 2002 Fiscal Impact Statement

**1. Bill Number:** SB61

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Watkins

**3. Committee :** General Laws

**4. Title:** Department of Professional and Occupational Regulation; Board for Professional Soil Scientists and Wetland Professionals; penalty

**5. Summary/Purpose:** The bill would create a new voluntary certification program for wetland delineators. The program would be combined with the existing Board for Professional Soil Scientists which would create the new Board for Professional Soil Scientists and Wetland Professionals. The number of Board members would increase from five to nine. In order to become a Virginia certified professional wetland delineator, a person would have to meet the educational and experience requirements required by the proposal and any regulations the Board may promulgate. Violation of the provisions of this legislation is a Class 1 misdemeanor.

**6. Fiscal Impact Estimates are:** Preliminary

**6a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2001-02	\$0	0.00	NGF
2002-03	\$3,400	0.00	NGF
2003-04	\$2,500	0.00	NGF

**6b. Revenue Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2001-02	\$0	0.00	NGF
2002-03	\$0	0.00	NGF
2003-04	\$22,500	0.00	NGF

**7. Budget amendment necessary :** No.

**8. Fiscal implications :** This bill create a new category of regulation under the current operations of the Board for Soil Scientists. The regulatory program for Soil Scientists is already in place with about 100 licensees, and the agency is currently conducting all regulatory activities for the program. This legislation would increase the size of the Board five member to nine members, and add about 150 regulants. Board member travel and per diem costs will increase by \$3,400 for four board meetings in the first year, and by \$2,500 for three board meetings annually in following years. The agency can absorb that small additional cost within its current appropriation, and is not requesting additional funding. No additional positions are requested to expand the Board's responsibilities to include Wetland Delineators.

Revenues: In accordance with the provisions of Section 54.1 -113 (Callahan Act) of the Code of Virginia, licensing fees will be established at rates adequate to support the Board's operating costs and a proportionate share of agency support costs. DPO expects Wetland Delineator fees to provide additional revenue of approximately \$22,500 during fiscal year 2004, when applications for initial licensure would be received. Licenses are valid for a period of two years, so revenues from Wetland Delineator fees would be immaterial during fiscal year 2005. Renewal revenues would be approximately \$26,000 for fiscal year 2006, and for the second year of future biennia.

Costs to Regulators : Fees for Wetland Delineators are estimated to be similar to the current fees for Soil Scientists of \$150 for an original application and \$175 for licenser renewal.

**9. Specific agency or political subdivisions affected** : Department of Professional and Occupational Regulation

**10. Technical amendment necessary** : Yes

- Line 110, after "chapter" STRIKE "is" and INSERT "are"
- Line 121, this paragraph sets the number of Board members at nine with one citizen member. Section 54.1 -200 requires two citizen members for all Boards created after 1979. The following amendments are recommended:
  - Line 122, STRIKE "nine" and INSERT "ten"
  - Line 123, STRIKE "one" and INSERT "two"
- Lines 74, 127, 132 and 152, STRIKE "wetland professional" and INSERT "wetland delineator"
- As written this section requires the Governor to request nominations for Board members from the Virginia Association of Wetland Professionals. It is inconsistent with the prior paragraph regarding soil scientists and provisions regarding other Boards throughout Title 54.1 which are discretionary rather than mandatory. The following amendment is recommended:
  - Line 143, after "Governor" STRIKE "shall" and INSERT "may"
  - Line 169, after "examination," STRIKE "with" and INSERT "which may include". This provision requires a field practicum as part of the examination. Such an examination would be very costly to develop and administer to such a small regulant population.
  - Line 183, STRIKE "professional soil scientist" and INSERT "wetland delineator"

**11. Other comments** : The Virginia Association of Wetland Professionals is attempting to include a grandfather provision in the bill.

Violation of the provisions of this legislation is a Class 1 misdemeanor. A Class 1 misdemeanor is punishable by up to 12 months in jail. There is not enough information available to reliably estimate how many additional prisoners in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor held in jail. It is a fact that most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, the total state support for local jails averaged \$30.94 per inmate, per day in FY2000.

**Date:** 1/17/2002/djy

**Document:** G:\02-04Budget \Legislation\2002Session\DPOR\SB61.Doc

cc:Secretary of Commerce and Trade